

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT GULDENSTEIN and
KAREN GULDENSTEIN,

Plaintiffs,

Civil Case No. 15-14181
Honorable Linda V. Parker

v.

MERIT ENERGY CO., LLC,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S APRIL 18, 2017
REPORT AND RECOMMENDATION CONCERNING PLAINTIFF'S
MARCH 13, 2017 RESPONSE AND IMPOSING SANCTIONS AGAINST
PLAINTIFF'S COUNSEL PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 11(c)**

Plaintiffs filed this personal injury lawsuit on November 30, 2015. The matter presently is before the Court on Magistrate Judge Anthony P. Patti's April 18, 2017 Report and Recommendation, recommending sanctions against Plaintiff's counsel in the amount of \$1,000.00 pursuant to Rule 11(c) of the Federal Rules of Civil Procedure. (ECF No. 63.) Magistrate Judge Patti recommends sanctions against Plaintiff's counsel based on counsel's misrepresentation of key facts relevant to Defendant's February 27, 2017 motion to strike expert witnesses. (*Id.* at 4.)

At the conclusion of his R&R, Magistrate Judge Patti advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.*) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has reviewed Magistrate Judge Patti’s April 18, 2017 R&R and concurs with his recommendation. The Court therefore adopts the R&R. While Magistrate Judge Patti does not identify whether he intended to impose sanctions against both of Plaintiff’s attorneys, the Court believes that sanctions are appropriate against only attorney Gerald V. Padilla and the law firm representing Plaintiff. Gerald Padilla signed the offending brief misrepresenting the late-named expert witnesses as treating doctors and appeared at the hearing where this misrepresentation was repeated. Rule 11(c)(1) states that, “[a]bsent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.” Fed. R. Civ. P. 11(c)(1).

Accordingly,

IT IS ORDERED that Gerald V. Padilla and the Padilla Law Group are ordered to pay a penalty of \$1,000.00 into the court pursuant to Federal Rule of Civil Procedure 11(c). Such penalty shall be paid **within fourteen (14) days** by check or money order made payable to the “Clerk of the Court” with “Case No.

15-cv-14181” included on the memo line. Payment may be delivered in person or via mail to: Clerk of the Court, U.S. District Court for the Eastern District of Michigan, 231 W. Lafayette Blvd., Detroit, MI 48226.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: May 11, 2017